THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1260 of 2005

Dated: 28-07-2005

Between:

Ganapuram Anil Kumar S/o. Sri Komaraiah, R/o./ H.No. 3-10-164, Reddy Colony, Second Lane, Kumar Pally, Hanmakonda, Warangal District.

..... APPELLANT

AND

1 The Commissioner, Employment and Training BRKR Bhavan, Tank Bund, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1260 of 2005

JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

Challenge in this appeal is as to the correctness of the order passed by a learned single Judge of this Court dated 28-04-2005 in W.P.No.4523 of 2005.

02. The material facts that are beyond any controversy are brief and can be stated thus:

03. The 1st respondent called for the applications from the eligible candidates to fill up a vacancy in the cadre of Assistant Training Officer (Fitter) in Zone-V, which was reserved for Hearing Handicapped and the appellant had applied for the same. After written examination, he was directed to attend before the State Medical Board at Government E.N.T. Hospital, Koti, Hyderabad for verification of the genuinety of Deaf Certificate issued by the District Medical Board at Mahatma Gandhi Memorial Hospital. The State Medical Board issued certificate that the appellant was having 46.2% disability as against the certification of 42% disability issued by the District Medical Board, Warangal. Being satisfied that, the 1st respondent *vide* order dated 28.4.2003 appointed him as an Assistant Training Officer. Basing on the complaint filed by the respondents 2 to 6, 7th respondent directed the appellant to appear before the Ali Yavar Jung National Institute for the Hearing Handicapped of Government of India, Southern Regional Centre, Secunderabad (for brevity 'AYJNIHH SRC') for examination. The Assistant director, AYJNIHH SRC, submitted a report on 27.7.2004 to the 7th respondent that the Audio Gram Chart levels are 40- 50 dB in both the ears. Based on the said reports, the 7th respondent by an order

dated 18.2.2005 directed the 1st respondent to disqualify the petitioner from the service and take immediate further action for filling up the post of Assistant Training Officer, following the provisions of the Act, 1995. Questioning the same, the writ petition has been preferred.

04. Having gone through the entire material on record, and after hearing the rival contentions of the parties, the learned single Judge observed that the Tribunal, constituted under the State Act, has jurisdictional powers and authority to decide the matters concerning recruitment, to any civil service of the State or to any civil post under the State disposed of the writ petition, by giving direction to the appellant to avail alternative remedy.

05. We have heard the learned counsel appearing for the parties.

06. Perused the entire material available on record and the order impugned.

In the facts and circumstances of the case, without expressing any opinion on the merits of the case, we have no hesitation to hold that the issue involved in the writ petition can be adjudicated before the Administrative Tribunals Act, 1985, where the authority has jurisdiction to decide the matters pertaining to the recruitment as rightly observed by the learned single Judge. Therefore, there is no material irregularity or illegality in the order impugned.

07. Looking to the over all facts and circumstances of the case, the appeal is liable to be dismissed.

08. Resultantly, the appeal is dismissed.

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T.MEENA KUMARI, J

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P.LAKSHMANA REDDY, J

28.07.2005

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